

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NATIONAL RELIGIOUS BROADCASTERS,
SAND SPRINGS CHURCH, FIRST BAPTIST
CHURCH WASKOM, and INTERCESSORS FOR
AMERICA

Plaintiffs,

v.

DANNY WERFEL, IN HIS OFFICIAL CAPACITY
AS COMMISSIONER OF
THE INTERNAL REVENUE SERVICE, and
THE INTERNAL REVENUE SERVICE

Defendants.

Civil Action No.
6:24-cv-00311

**Unopposed Motion for Leave to File Amended Complaint and Adjust Briefing
Schedule**

Come now Plaintiffs pursuant to FRCP 15 and move for Leave to file an Amended Complaint. Plaintiffs' counsel has obtained written consent (by email) from counsel for the Defendants for the filing of this Amended Complaint.

The Amended Complaint clarifies certain issues raised in Defendants' pending Motion to Dismiss: the Declaratory Judgment Act and standing.

The Amended Complaint also alleges that the United States has waived its sovereign immunity for this suit through the Administrative Procedure Act and seeks an injunction against the enforcement of the Johnson Amendment. Such

allegations were not included in the Plaintiffs' Original Complaint, and the United States requires time to confer with its client the Internal Revenue Service on those allegations.

Both parties agree that the proper adjudication of the important issues in this case are served by allowing this Amended Complaint.

The Parties likewise agree that it would best serve the interests of justice and orderly administration of this litigation to treat the Defendants' pending motion to dismiss the original Complaint as moot and allow Defendants to file a new responsive pleading to the Amended Complaint. This will avoid any confusion that may arise by referring in some matters to the original Complaint and others in the Amended Complaint, such as issues raised in the Amended Complaint but not the Original or vice versa.

The parties have agreed to request the following new schedule with the Court's permission:

Defendants will have sixty days from the date of the filing of the Amended Complaint to either answer or otherwise respond.

If the Defendants file a renewed Motion to Dismiss, Plaintiffs will have up to forty-five days to respond.

Defendants will then have 45 days from the date of filing of Plaintiffs' brief to file their reply brief.

The parties also mutually request the Court's permission to file initial briefs of up to 65 pages. This considers allegations in the Amended Complaint not raised in the Original. The reply brief would be limited to 25 pages. The parties request that tables of authorities and content would be excluded from the page counts.

Respectfully submitted,

MICHAEL P. FARRIS
Attorney for Plaintiffs

/s/Michael P. Farris
Michael Farris
DC Bar No. 385969
National Religious Broadcasters
20 F Street
Seventh Floor
Washington, DC 20001
571-359-6000
mfarris@nrb.org

David A. Kallman
MI Bar No. P34200
Kallman Legal Group, PLLC
Attorney at Law
5600 W. Mount Hope Hwy.
Lansing, MI 48917
517-322-3207
dave@kallmanlegal.com

Andrew W. Stinson
State Bar No. 24028013
RAMEY & FLOCK, PC
100 E. Ferguson Street, Suite 500
Tyler, TX 75702
903-597-3301
andys@rameyflock.com

Rita M. Peters
State Bar No. 46821
7586 Stoney Lick Road
Mount Crawford, VA 22841
540-830-1229
rpeters@selfgovern.com

ATTORNEYS FOR PLAINTIFFS